

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

LeRoy Koppendraye
Marshall Johnson
Ken Nickolai
Thomas Pugh
Phyllis A. Reha

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of CenterPoint Energy's
Implementation of the Cold Weather Rule and
Reconnection Policies

ISSUE DATE: January 24, 2005

DOCKET NO. G-008/CI-04-2001

LEAD COMMISSIONER'S FIRST
DISCOVERY ORDER

PROCEDURAL HISTORY

On January 4, 2005, the Commission issued an Order initiating an investigation into whether CenterPoint Energy's (CPE's or the Company's) practices, acts or omissions with respect to Minn. Rules, part s7820.1500 to 7820.2300 are in any way unreasonable or insufficient, or improperly prevent service from being obtained. The Commission accepted the offer of the Residential and Small Business Utilities Division of the Office of the Attorney General (OAG) to work with the Commission staff in conducting this investigation.

On January 12, 2005, the Office of the Attorney General submitted its Preliminary Report, requesting among other things that the Commission appoint a Lead Commissioner for the purpose of ordering CPE to produce documents and witnesses in this investigation. In support of its request at the January 13, 2005 hearing, the Attorney General stated that CPE had responded to many of the information requests submitted to it by the Attorney General, but had refused to provide other requested information. The Attorney General stated that having a Lead Commissioner available to resolve discovery disputes would expedite the investigation. CPE did not oppose the request.

On January 14, 2005, the Commission issued its ORDER APPROVING AGREEMENT, DIRECTING IMPLEMENTATION, AND APPOINTING LEAD COMMISSIONER. In its Order, the Commission, among other things, appointed Commissioner Phyllis Reha as Lead Commissioner in this docket, vesting her with specific authority to exercise the Commission's authority to receive and decide discovery disputes between the parties.

During the week preceding the hearing in this matter, counsel for the Attorney General and the Company exchanged correspondence related to various discovery issues and did not reach full agreement. The Attorney General requested a discovery conference with Lead Commissioner Reha and by mutual consent of the parties, a meeting for Friday, January 21, 2005 was arranged.

On January 21, 2005, Commissioner Reha convened a discovery conference at the agreed upon time and place to address discovery issues raised by the Office of the Attorney General. Both the Attorney General and CenterPoint Energy appeared represented by counsel and on the record waived any rights they may have had with respect to notice requirements applicable to the proceeding.

FINDINGS AND CONCLUSIONS

Some of the issues addressed in this Order apply to all of the OAG's information requests to the Company in this matter and some relate to specific information requests.

Commitment to provide materials by end of day/ January 21, 2005: As of the hearing on this matter, the Company had not provided the reconnection data requested in the Attorney General's Information Request 2, i. At the hearing, the Company committed to do so by the end of the day, Friday, January 21, 2005 and to provide any spreadsheets sortable by last name as soon as technically feasible.

The requested information certainly relates to a key concern of this investigation and as discussed below spreadsheets should be sortable by last name. The Lead Commissioner therefore will direct the Company to maintain its commitments regarding timetable and format.

At the end of the day, January 21, 2005, the Company submitted materials in response to Information Request 2, i. The Company stated that it was unable to provide the data sortable by last name at that time but stated that work to produce a more reader-friendly document continued. Sufficiency of the Company's filing is not assessed in this Order other than to state that the Company's commitment to provide spreadsheets sortable by last name as soon as technically feasible remains applicable to the data requested.

Spreadsheet Usefulness: Spreadsheets that the Company has provided to date in response to the Attorney General's Information Requests are searchable by customer name and sortable by customer first name but are not sortable by customer's last name. The usefulness of the spreadsheets is considerably diminished if they are not provided in sort-by-customer-last-name format. It is reasonable to expect that spreadsheets will be provided with the ability to sort by last name.

The Lead Commissioner will therefore direct the Company to re-submit as soon as technically feasible all spreadsheets provided to date (including the spreadsheets provided on Friday, January 21, 2005) in sort-by-customer-last-name format unless it finds, after duly diligent effort, that it is not technically feasible to do so. In addition, any additional spreadsheets provided in the future will also be sortable by customer last name unless the Company finds and attests in writing that it is technically unfeasible to do so.

Customer Contact Information on CD ROM: The Attorney General's Information Request 14 has requested customer contact information for each of the individuals identified in Information Request Nos. 2 and 6 (734 accounts). The Company stated that it has this information, which identifies and documents contacts, monitors field/phone actions, and provides customer status. The

Company stated, however, that this information in paper form was voluminous.

The Lead Commissioner will direct the Company to use due diligence to provide the information requested on a CD ROM (electronic format) and sortable by last name, to the extent technically feasible, as discussed above.

Requested Recordings of Conversations Between Customer Service Representatives and Customers: The Company stated that 3,000 plus phone calls per day initially coming into the Service Center are recorded but are not sortable by issue and that conversations between customers routed to the six Customer Service Representatives specializing in reconnection issues are not recorded but are monitored for quality by supervisors by listening-in or sitting side-by-side with the Customer Service Representative. The Company clarified that the employees receiving the 3,000 initial contact calls are trained regarding Cold Weather Rule issues and may have conversations relevant to this investigation but that sorting through all 3,000 daily calls would be unduly burdensome.

The Lead Commissioner notes that in response to Information Request 6, i the Company will be providing screens reporting each identified customer's contact with the Company and that the screens indicate the time and date of such customer contacts. (See Lead Commissioner's directive in the next item.) For the identified universe of customers, then, the screens could be reviewed to determine the time and date of Company contacts. Once the Company has provided the requested screen information (preferably in electronic format as discussed above), the OAG will identify specific conversations (date & time) for which it wants the recording and submit a specific Information Request to the Company therefor.

Response to IR No. 6: Completeness, time periods and due dates: At the hearing on this matter, the Company provided a CD ROM that the Company stated provides information requested in the Attorney General's Information Request 6, a-g for the period June 1, 2004 to present. The Company objected to producing the data sought in Information Request 6, h and i and data for the period January 1, 2004 to June 1, 2004 and for 2003, asserting irrelevance.

The Lead Commissioner finds that the IR 6 data requested for 2004 (including 6, h and i) is relevant to the Commission's concerns in this investigation and is properly requested. Whether the requested information for 2003 is appropriately required is deferred and the Attorney General may renew the issue after receiving and reviewing the 2004 data. The Company agreed that it was possible to provide the information responding to 6, h and i for the period June 1 - present by January 31, 2005 and to provide full Information Request No. 6 information (including 6, h and i) for the period January 1, 2004 to June 1, 2004 by February 7, 2005.

Accordingly, the Lead Commissioner will direct the Company to provide the indicated information by the specified dates: 1) the Company will respond to 6h and i for June 1, 2004 to present by January 31, 2005 and 2) the Company will respond to the entire Information Request (6a-i) for January 1, 2004 to June 1, 2004 by February 7, 2005.

So ordered.

ORDER

1. Regarding the Attorney General's Information Request 2, i, CenterPoint Energy's (the Company) filing Friday, January 21, 2005 is acknowledged but not assessed for sufficiency in this Order other than to state that the Company shall provide any spread sheets provided as part of its response in a format sortable by customer last name as soon as technically feasible.
2. The Company shall re-submit as soon as technically feasible all currently provided spreadsheets (including the spreadsheets provided on Friday, January 21, 2005) sortable by customer last name unless it finds, after duly diligent effort, that it is not technically feasible to do so. In addition, any spreadsheets provided in the future shall also be sortable by customer last name unless the Company finds and attests in writing that it is technically unfeasible to do so.
3. The Company shall use due diligence to provide the information requested on a CD ROM (electronic format).
4. The Company shall provide certain information by the following specified dates:
 - 1) the Company shall respond to 6h and i for June 1, 2004 to present by January 31, 2005; and
 - 2) the Company shall respond to the entire Information Request (6a-i) for January 1, 2004 to June 1, 2004 by February 7, 2005.
5. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

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